

ORDER

IT IS ORDERED that ECF No. 61 is GRANTED. The Clerk of Court is directed to issue a subpoena to Plaintiff. Plaintiff must then complete the subpoena and serve it on Brian Williams.

1 Michael Tmail

IT IS FURTHER ORDERED that ECF No. 62 is DENIED as moot.

2 P.O. Box 1987

IT IS FURTHER ORDERED that the hearing set for 3/11/2022 on these motions is VACATED.

3 Elg, NV. 89301

IT IS SO ORDERED

DATED: 4:39 pm, February 17, 2022

Brenda Weksler
BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

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District of Nevada

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8 Michael Tmail,

Case No: 2:18-cv-01594-RFB-BNW

9 Plaintiff,

10 v.

Request For Subpoena Of Documents

11 Dave Tmail et al.,

12 Defendant,

13

14

15 Plaintiff, Michael Tmail, prose hereby

16 request that this honorable court issue a subpoena

17 of documents from Brian Williams, the Deputy Director

18 of Nevada Dept. of Corrections. Most of the

19 Defendants in the instant case are former employees

20 of NOCC and do not possess all documents associat-

21 ed with this case. Plaintiff humbly request that

22 a subpoena be issued for Brian Williams because

23 he is in possession of all papers associated with ECF

24 #402605. (what the complaint is about).

25 Plaintiff ask that an order be issued

26 ordering Brian Williams to release/turn over all

27 documents associated with ECF#402605, including

28 but not limited to recordings from the Disc-

1 disciplinary hearing, Disciplinary Findings, Disciplinary
2 Forms I, II, III, all E-mails related to ~~oc*42605~~
3 From all HQOC Employees, and all Findings regard-
4 ing the investigation of ~~oc*42605~~.
5 The information sought and request falls
6 into the scope of general admissibility of relev-
7 ant evidence as defined by the Federal Rule of
8 Evidence, Rule 402.

9 For the reasons stated above, Plaintiff ask
10 that this court issue a Subpoena of Documents
11 From Brian Williams, Deputy Director of HQOC.
12 (Also see Exhibit A)

13
14 concluded this 3rd day of January 2022.

15
16 Submitted, Michael T. Neill
17 Pro se

18
19 CERTIFICATE OF SERVICE

20
21 I, Michael T. Neill, hereby certify I e-filed
22 the foregoing document(s) via Ely State Prison
23 Law Library to the United States District Court.

24
25 Michael T. Neill
26 Pro se

27 1. 3. 22

Affidavit of: Michael McNeil

1 state of Nevada)

2 : ss

3 County of White Pine.

4

5 I, Michael McNeil do hereby swear, and
6 depose, under penalty of perjury, pursuant to
7 NRS 208.165. That the foregoing statements
8 are true and correct as follows.

9

10 1.) That on Wednesday December 29th, 20 I
11 had a meet and confer with DAG Alexander J.
12 Smith at 1:30 pm.

13 2.) That we discussed the objections that the
14 four defendants made to all the requests for
15 the production of documents.

16 3.) That I was told the defendants do not
17 have access to the documents I requested
18 and should try other methods, of discovery.

19 4.) That we both agreed to a 60 day extension
20 to discovery.

21

22

23

24 Dated the 3rd of January 2022.

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Michael McNeil

Copy

**STATE OF NEVADA
NEVADA DEPARTMENT OF CORRECTIONS
ELY STATE PRISON
OFFICE OF THE WARDEN**

DATE: December 28, 2021

TO: SHIFT SERGEANT

FROM: Tasheena Cooke, Acting Associate Warden

SUBJECT: **TELEPHONIC CONFERENCE – Attorney call**
REF: 2:18-cv-01594

The following inmate has a **Telephonic Conference Call** scheduled for **Wednesday, December 29, 2021 at 1:30 PM** with **DAG Alex Smith** regarding the above referenced court case.

Custody Staff Instructions: The inmate will be at the appointment **30 minutes prior to the scheduled time in the Visiting Holding Room "D"** with any legal documents of his choosing. Upon request, a property cart will be provided by the Unit Control Room Officer and/or the escorting officer(s).

NAME	NUMBER	HOUSING	CUSTODY
McNeil, Michael	65311	6B 31	Close

Acknowledgement of Appointment

<u>Michael McNeil</u> Inmate Signature	<u>12/28/21</u> Date	<u>1:00 pm</u> Time
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I Will Attend I Decline To Attend Property Cart Requested

Witness _____ Date _____ Time _____

TC/sbc

Email: Warden Caseworker Control Shift Sgt. AWO CERT Sgt. Visiting Shift LT